

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

Civil Action No. 2004 CV 11234
MEL

BOYD FULTON,)
)
Plaintiff)
)
VS.)
)
TOWN OF HULL,)
MASSACHUSETTS)
Defendant)

**DISCLOSURE STATEMENT OF DEFENDANT TOWN OF HULL
PURSUANT TO LOCAL RULE 26.1(B)**

Pursuant to L.R. 26.1(B)(2), Defendant Town of Hull ("Hull") provides the following disclosures. These disclosures are made on the basis of information reasonably available to Hull at this time. Hull reserves the right to amend, correct, and/or supplement these disclosures, but does not now undertake to do so except to the extent required by Fed. R. Civ. P. 26(e).

I. Individuals Likely to Have Discoverable Information

The individuals listed below are likely to have discoverable information that Hull may use to support its defenses and counter-claim

The individuals listed are current or former employees of Town of Hull and its Department of Public Works (Highway Department). The Town of Hull Department of Public Works' principal place of business is at 5 Nantasket Avenue, Hull,

Massachusetts 02045. The principle office of the Town of Hull is at the Municipal Building, 253 Atlantic Avenue, Hull, Massachusetts 02045.

- a. Edward Parent, Patricia Petrilli, Philip E. Lemnios, Eleanor McGonigle, Terry Hughes, Michael White, John Papasodero, Kristopher Nixon, Brian O'Neil, David Freeland, Brian Smith, Robert White, Ricky Capone, Robert Mitchell and William Eaton (Hull believes these individuals may have information regarding payroll practices, hours worked and time entry, work activities and practices, payroll records, FLSA payments, compensatory time, past practices, and collective bargaining, among other matters); and
- b. The plaintiff in this action (Hull believes that this individual may have information regarding payroll practices, hours worked and time entry, work activities and practices, payroll records, compensation, FLSA payments, compensatory time, past practices, and collective bargaining, among other matters).

II. Statements of Opposing Parties

Hull has not obtained any statement of opposing parties.

III. Government Agencies Known to Have Investigated the Transaction or Occurrence.

Hull is not aware of any government agencies or officials which have investigated the transaction or occurrence giving rise to the claims or defenses.

Respectfully submitted,
Town of Hull,
By its Town Counsel,

Date: _____

JAMES B. LAMPKE, ESQ.
BBO NO. 284280
TOWN COUNSEL-TOWN OF HULL
115 NORTH STREET
HINGHAM, MA 02043
781-749-9922

CERTIFICATION OF CHRISTOPHER J. MCCABE

I, Christopher J. McCabe, Town Manager, swear under the pains and penalties of perjury that the facts included in the foregoing document are true and accurate to the best of my present knowledge, information and belief or based on information provided to me which I believe to be true and accurate.

Date: January 19, 2005

Christopher J. McCabe
Christopher J. McCabe,
Town Manager

Certificate of Service

I, James B. Lampke, Esq., certify that I have this day served a copy of the within document on the plaintiff by mailing a copy of same to his attorney of record, Mark D. Stern, Esq., 34 Liberty Avenue, Somerville, MA 02144.

Date: January 19, 2005

James B. Lampke
James B. Lampke